

PROPOSED DEVELOPMENT CONDITIONS
SE 2012-MA-016
February 8, 2013

If it is the intent of the Board of Supervisors to approve SE 2012-MA-016, located at 6531 Columbia Pike, Tax Map 60-4 ((1)) 35A and 35B, for addition of a nursery school and child-care center with site modifications and increase in square footage for an approved place of worship, pursuant to Sect. 3-204 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

GENERAL

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provision of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat, Property of The Presbytery of Washington" prepared by Runyon, Dudley, Associates, which is dated April 18, 2012, as revised through December 20, 2012, consisting of eight (8) pages, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

OPERATIONAL:

4. Seating in the sanctuary building shall be limited to a maximum of 320 seats.
5. The combined total maximum daily enrollment for the nursery school/child care center shall be limited to 99 students.
6. Hours of operation of the nursery school and child care shall not exceed 8:30 a.m. to 2:30 p.m. Monday through Friday.
7. Indoor recreation space shall be provided for each student enrolled in the child care center/nursery school in accordance with the provisions of Chapter 30 of the Fairfax County Code. At the time of site plan approval, the applicant shall demonstrate to the satisfaction of DPWES that usable outdoor recreation spaces, as shown on the SE Plat, has been provided for the child care center/nursery school in accordance with Sections 9-309 and 9-310 of the Zoning Ordinance.

TRANSPORTATION

8. Upon request of Fairfax County, the applicant shall provide a public access and temporary construction easement for the provision of a walkway and/or paved trail in the area generally located between Columbia Pike and the existing parking area and drive aisle. At the time of the request, the applicant shall work with Fairfax County Department of Transportation to determine the exact location of the easement needed to connect to the existing pedestrian facilities on Columbia Pike.
9. The applicant shall ensure that the proposed pedestrian network, both on-site and in areas leading to the public right-of-way, meets current ADA standards and shall provide ramps to VDOT CG-12 specification where applicable, including where five (5) foot concrete sidewalks are proposed and where crosswalks abut sidewalk facilities, prior to issuance of a non-RUP for the proposed addition to the sanctuary shown on the SE plat
10. The southern access of the site onto Whispering Lane shall be upgraded to VDOT CG-11 standards prior to issuance of a non-RUP for the proposed addition to the sanctuary shown on the SE plat.
11. The applicant shall be allowed to utilize shared parking between the church and nursery school/child-care center, conditional to the approval of a shared parking agreement from the Director of DPWES. Such approval shall be obtained prior to issuance of a non-RUP for the nursery school/child-care center.

STORMWATER:

12. Any additional stormwater runoff created in excess of existing levels, as determined by DPWES at the time of site plan, shall be managed in conformance with standards of the Public Facilities Manual.

FORESTRY:

13. In the area of the 14-inch diameter Persimmon tree along the Columbia Pike frontage, adjacent to the proposed asphalt-removal area, equipment that is used to remove asphalt and sidewalks shall work from the area of the parking lot that is to remain and pull up asphalt and concrete from north to south in order to minimize damage to existing tree roots.
14. In order to protect the root zone of the 25" oak tree, shown on the plan due east of the building and just north of the proposed accessible parking spaces, the applicant shall revise the plan, at site plan phase, to remove the clearing limits from the critical root zone of the 25" oak tree and replace the proposed asphalt curb with proposed wheel stops in the root zone area.

15. In the transitional screening areas depicted as Phase I and Phase II Landscape Areas on Sheet 6 of the plans, the applicant shall provide supplemental medium evergreen shrubs to meet the intent of the transitional screening requirements along the western property lines as reviewed and approved by the Urban Forest Management Division.
16. The applicant shall create and implement an invasive species management program, per the tree conservation ordinance, to include all tree save areas that may contain invasive plant material (PFM 12-0404.2B and 12-0509.3D) that clearly identifies targeted areas and species, details removal and treatment techniques, replanting with herbaceous and woody material, monitoring, program duration, etc.
17. Regardless of the wording of note number thirty-seven (37) on Sheet one (1) of the plans, invasive species removal, treatment, and supplemental transitional screening planting shall be completed within one-year of approval of this Special Exception, or as administratively extended by the Director of DPWES to facilitate invasive removal prior to replanting. This condition shall not preclude the issuance of a non-RUP for use of the property.
18. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist, a Registered Consulting Arborist, or a Registered Landscape Architect, and shall be subject to the review and approval of the Urban Forest Management Division.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), located within 25 feet of the proposed limits of clearing and grading within the undisturbed area, and within 10 feet of the limits of clearing and grading in the disturbed area. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the special exception plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, compost tea, Cambistat, radial mulching, and others as necessary, shall be included in the plan.

19. The Applicant shall retain the services of a Certified Arborist, a Registered Consulting Arborist, or a Registered Landscape Architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with a UFMD, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is

so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

20. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of UFMD, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE plat, they shall be located in the least disruptive manner necessary as determined by the UFMD. A replanting plan shall be developed and implemented, subject to approval by the UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
21. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD.

22. The Applicant shall retain a professional arborist, or a Landscape Architect, with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application Property, within 25 feet of the proposed limits of clearing and grading within the undisturbed area, and within 10 feet of the limits of clearing and grading within the disturbed area, that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the “Bonded Trees”) that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

23. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 - 24 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

24. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD.

SIGNAGE/LIGHTING:

25. At the time of this application there exist two small identification signs near each access onto Whispering Lane. The applicant shall ensure that these signs are in conformance with Section 12-103 of the Zoning Ordinance prior to issuance of a Non-RUP.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.